

05-11-06

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Docket No. 212/721

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Application of:

Timothy L. Timmerman, et al.

Art Unit: 3635

Serial No.: 09/884,709

Filed: June 19, 2001

For: Lateral Force Resisting
System

Examiner: Horton, Yvonne
Michele

PETITION FOR WITHDRAWAL FROM HOLDING OF ABANDONMENT (37 CFR

1.181)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is responsive to the Notice of Abandonment dated
April 21, 2006.

Certificate of Mailing (37 CFR 1.10)

I hereby certify that this response (along with any paper referred to as being
attached or enclosed) is being deposited in Express Mail using Express Mail Post
Office to Addressee with the United States Postal Service on the date shown below in
an envelop addressed to the Commissioner of Patents and Trademarks, P.O. Box 1450,
Alexandria, VA 22313, Mail Stop Petition.

Express Mail No. EV 493070705US
Date: May 9, 2006

Michelle Campero
Michelle Campero

Petition

The Applicants hereby petition for withdrawal of the holding of abandonment dated April 21, 2006 for failure to timely file corrected drawings including changes required by draftsperson's patent drawing review (PTO-948) as required by an Office Action allegedly mailed on July 14, 2003.

No changes were ever required by a PTO draftsperson, no form PTO-948 was ever prepared or sent for this application, no paper was ever mailed to the applicant or applicant's counsel on or about July 14, 2003.

On May 9, 2006, I spoke to the supervisory examiner, Carl D. Freidman, and confirmed that the notation requiring corrected drawings on the notice of allowability was erroneous. Supervisory Examiner Freidman reviewed the file and confirmed that no request for corrected drawings should have been made in this case.

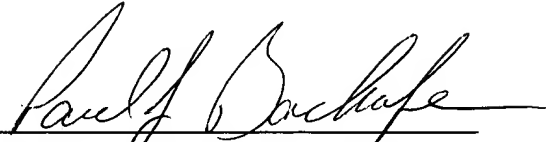
Accordingly, Applicants request withdrawal of the holding of abandonment.

No fee is due for this petition. MPEP 711.03(c). Nonetheless, the Commissioner is hereby authorized to charge payment of the fees associated with this communication, any

deficiency in the fee paid, or credit any overpayment, to
Deposit Account 03-3700.

Date: May 9, 2006

By:


Paul J. Backofen, Esq.
Reg. No. 42,278